

Remarks

The Applicants note with appreciation the acknowledgement of the Applicant's claim for foreign priority and receipt of the certified copy.

The Applicants note with appreciation the Examiner's helpful comments concerning addition of headings to the specification. The Applicants note that appropriate headings were added to the specification in a Preliminary Amendment that was dated December 6, 2000 and received in the Patent Office on December 6, 2000. A convenience copy of that Preliminary Amendment is enclosed for the Examiner's convenience. In that regard, the Applicants invite the Examiner's attention to page 1 of that Preliminary Amendment. A confirmation of entry of the Preliminary Amendment into the official file is respectfully requested.

The Applicants note with appreciation the allowance of Claims 20 and 23-29. That leaves Claims 30 and 32-37 still under consideration. The Applicants have cancelled Claims 32-35 in this Amendment, thereby reducing the number of claims under consideration and placing the application into better condition for allowance.

The Applicants acknowledge the rejection of Claims 30 and 32-37 under 35 U.S.C §103 over the combination of Little with Tajima. The Applicants respectfully submit that the rejection is now moot as it applies to Claims 32-35. Nonetheless, the Applicants respectfully submit that Claims 30 and 36-37 are patentable over the hypothetical combination for the reasons set forth in detail below.

The Applicants first note that Claim 30 has been amended to recite that the solid carrier material comprises magnetic particles and the drive device comprises two permanent magnets spaced apart between which the micropipette or the microdispenser is arranged. Support may be found at page 14 of the specification in paragraph 3, last sentence, and page 15 in the first paragraph, for example. Claim 30 also recites that the spacing of the two permanent magnets is such that the

magnetic particles of the micropipette or the microdispenser in a position immediately adjacent to one of the permanent magnets are essentially exposed exclusively to field forces of the one permanent magnet while they are exposed to negligible field forces of an opposite one of the permanent magnets. Also, during position changes of the micropipette or the microdispenser from one permanent magnet to the opposite permanent magnet the particles, due to the effect of gravity, do not sink far enough in the respective reservoir to leave a force effect range of the respective ones of the permanent magnets. Again, support may be found in the paragraphs spanning pages 14-15 of the Applicant's specification.

With respect to Tajima, it fails to disclose, teach or suggest the use of two permanent magnets as a drive device for manipulating magnetic particles as specifically recited in Claim 30. In sharp contrast, Tajima uses one magnet only as shown, for example, in Fig. 13 at steps 15, 17, and 18. The Applicants note that the component V shown by Tajima is a holding body as described in column 14 at line 13. Accordingly, the Applicants respectfully submit that Tajima inherently fails to disclose, teach or suggest any spacing of permanent magnets as specifically recited in Claim 30. This is important because the adjustment of the particular spacing as recited in Claim 30 is important for the operation of the microdosing device as set forth in that claim. Thus, the Applicants respectfully submit that Tajima is utterly inapplicable to Claim 30.

Little discloses a microdosing device only. There are utterly no teachings or suggestions with respect to providing two permanent magnets as a drive device as specifically set forth in Claim 30. Thus, irrespective of the fact that Little is cited to make up for the acknowledged deficiency of Tajima with respect to the pipettes having a volume of less than 10 μ l, Little also fails to disclose, teach or suggest two permanent magnets as specifically recited in Claim 30. Thus, even if one of ordinary skill in the art were to make the hypothetical combination as set forth in the Official Action,

the resulting combination would disclose a device that still does not disclose, teach or suggest two permanent magnets as specifically recited in Claim 30. The Applicants accordingly respectfully submit that the hypothetical combination is inapplicable to Claims 30 and 36-37. Withdrawal of the rejection is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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